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53
27C O N F I D E N T I A L19th October, 1959.COCOM Document No. 3721BCOORDINATING COMMITTEE

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RECORD OF DISCUSSIONONTWO PROPOSALS (FRENCH AND GERMAN) TO EXPORTMATERIAL FOR HERTZIAN LINKS TO POLAND8th October 1959

Present: Belgium(Luxembourg), Canada, Denmark, France, Germany, Italy, Japan, Netherlands, United Kingdom, United States.

References: COCOM Docs. 3369, 3404, 3406, 3427, 3634, 3659, 3660, 3671, 3688, and 3689.

1. The CHAIRMAN recalled that a number of Delegations had not yet stated their Governments' positions on the French and German proposals. He invited those Delegations to inform the Committee what instructions they had received.
2. The ITALIAN Delegate stated that his authorities had examined with the greatest care the records of the discussions which had taken place up to the present. They had taken note of the technical arguments put forward and of the assurances given by the interested Delegations to the effect that the material exported would be installed under technical supervision by the countries concerned. They had noted furthermore that the equipment involved in both proposals was to be delivered to Poland, for which country the Committee had adopted a special system. For these various reasons, the Italian authorities had no objection to the French and German proposals. Nevertheless, in view of the fact that Item 1520 appeared on the list of items to be reviewed, the Italian authorities felt that it would be useful to study the matter during the general review in order to decide the exact scope of this item.
3. The GERMAN Delegate thanked the Italian Delegate for the favourable views just expressed and stated, with reference to his colleague's final suggestion, that the German Delegation had already submitted a redefinition proposal for Item 1520, which would exclude material for Hertzian links between television transmitters.
4. The JAPANESE Delegate stated that his authorities had studied the French and German proposals very carefully. They had reached the conclusion that the material involved would not be diverted to strategic uses and, in consequence, they were able to approve of this export.
5. The BELGIAN Delegate stated that his authorities would join the majority view.
6. The UNITED STATES Delegate said he had reported to his authorities the French and German Delegations' request that they reconsider their position in the light of the new arguments laid before the Committee. He regretted to have to inform these Delegations that, despite a thorough examination of all the factors involved, his authorities had found it impossible to change their original position.
7. The UNITED KINGDOM Delegate said that his authorities had studied

C O N F I D E N T I A L

CONFIDENTIAL

- 2 -

COCOM Document No. 3721B

the records of recent discussions as given in COCOM Docs. 3688 and 3689 and still considered that all the material in the two cases in question was embargoed and was covered by Item 1520. His authorities did not consider that this type of case should be dealt with as an exceptions case, for the following reasons:

- (i) For equipment and material of this type an export of this magnitude under the Exceptions procedure would defeat the intention of the embargo on this type of material.
- (ii) To deal with this proposal by way of the Exceptions procedure was also unsatisfactory because it was unfair as between companies in different member countries. Indeed, the United Kingdom authorities had themselves prevented their manufacturers from pursuing this particular business in 1956 and 1957, and have, since then, consistently maintained this attitude.

8. The GERMAN Delegate thanked Delegations who had approved the French and German proposals or had stated their readiness to join the majority view. Two Delegations only had raised objections. Thus the majority was clearly established. The Delegate regretted that the United States and United Kingdom Delegations had not been able to reconsider their position. Commenting on the United Kingdom Delegate's statement, the German Delegate said he did not share the view that this export, of very moderate size, would defeat the aim of the embargo on this equipment, whose strategic importance moreover was contested. The German proposal to remove such material from the scope of the embargo was based precisely on the belief that it did not merit embargo. Another Delegation even considered that links between television transmitters were already excluded from the embargo. The German Delegate pointed out that the Committee's rules did not appear to exclude the possibility of submitting an exception request to the Committee even if one or more other member countries had thought fit to decline to take similar orders into consideration. The Delegate drew the Committee's attention to the fact that, according to information in the possession of the German authorities, a line of Hertzian links operating in the 6,000 megacycles frequency band had been installed in 1956 in the Soviet-occupied zone of Germany, between East Berlin and Schwerin (Mecklenburg). This equipment, of western origin, was said to have been delivered in compliance with the provisions of Administrative Principle No. 3. The requests correctly submitted for prior consultation in the Committee by the French and German Delegations did not, therefore, appear to create a precedent in view of the fact that the Soviet Bloc had already obtained such Hertzian links between television transmitters. The German Delegate concluded with a reference to his proposal for a redefinition of Item 1520 whose aim was formally to exclude from embargo such links between television transmitters by means of Hertzian beams. The acceptance of this proposal by the Committee would remove an ambiguity as to the scope of this item which existed at present, since one Delegation, as stated above, considered that such links between transmitters were not under embargo.

9. The ITALIAN Delegate thanked his German colleague for the comments on his own statement, and wished to point out that the Committee had frequently adopted a similar attitude to the one he had suggested when an exception request had been submitted shortly before the opening of discussions concerning the redefinition of the item involved in the request.

10. The FRENCH Delegate noted that unanimity had been reached in the Committee except for two Delegations, to approve this export, and he thanked the majority thus constituted. He fully shared the point of view expressed by his Italian colleague and associated himself with his statement. The Delegate hoped that the Committee would remember that the French Delegation had submitted this matter as an interpretation case. The French authorities continued to

CONFIDENTIAL

CONFIDENTIAL

- 3 -

COCOM Document No. 3721B

believe that Item 1521, as drafted, allowed them to export such "short-range and low-power links" without consulting the Committee. It was because a majority of Delegations had adopted a different interpretation that the French Delegation had agreed to re-submit the case as an exception request. The French Delegation were therefore fully prepared to suspend the conclusion of this matter until the Committee had approved a definition of Item 1520 doing away with all ambiguity. Turning to the German Delegate's statement, the French Delegate too wondered whether, in the case quoted by his colleague, the authorisation to export Hertzian links at the same time as transmitters had not been given in application of the provisions of Administrative Principle No. 3, and he asked Delegations from Western countries which might have carried out this export to be good enough to let the Committee have their views.

11. Summing up the discussions, the CHAIRMAN noted that two Delegations upheld their objections to the exceptions requests submitted by the French and German Delegations. The Chairman added that it seemed desirable that the general question of the scope of item involved should be resolved during the review which was about to begin.

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